APPEALS COURT DOCKET

CASE 95-P-001288 Case PARTY 0001
Type/Desc A CONTACT
Entered 07/26/95 Appellant Brief 10/24/95
Cnty/Div Code NO Appellee Brief 12/18/95
Summary Case? B Oral Arg TIME : M
Court Code SC Last Trans 07/09/96
Last Status CLSD.....on 06/05/96

P/D	Party Name	Applnt	Attorney Name
P	OBRIEN, JOHN	-	566060- JACOBSON, NEIL L 10 KEARNEY RD STE 305 NEEDHAM, MA 02194 LAW OFFICE OF CHARLES R. LEVIN 449-7400
D	DAVIS, FRED		90253P-DAVIS, FRED 353 BRYANT STREET MALDEN, MA 02148

Actions	07/26/95	1	ENTERED. #92-2678.
	08/22/95	2	APPT'S MTN: EXTEND B/A.
	08/23/95	-	RE#2 ALLOWED TO 10/11/95. *NOTICE.
	10/02/95	3	APPT' MTN: EXTEND B/A
		-	RE#3 ALLOWED TO 10/26/95. NOTICE.
	10/24/95	4	APPT'S CERT OF SERVICE B/A
	12/18/95	5	APLE'S MTN: EXTEND BRIEF.
		6	APLE'S MTN: FILE RESPONSE IN LIEU OF BRIEF W/ATTACH.
		7	APPT'S MTN: OPP TO PAPER

APPEALS COURT DOCKET
(CONTINUED)

Actions	12/18/95	7	#5 W/ATTACH.
		8	APPT'S OPP TO PAPER #6 W/ATTACH.
		-	RE#5 ALLOWED TO 12/18/95. *NOTICE.
		-	RE#6 ALLOWED. *NOTICE.
		9	APLE'S CERT OF SERVICE: MEMO IN LIEU OF BRIEF.
	12/19/95	-	RE#7 DENIED. NOTICE.
		-	RE#8 NOTED. NOTICE.
	05/01/96	10	ORDER DISMISSING APPEAL AFFIRMED.
		-	DECISION: RULE 1:28. (S-PD-I) *NOTICE/IMAGE
	05/13/96	11	APPT'S PETITION FOR REHRG. W/ATTACH.
	06/05/96	12	ORDER: PETITION FOR REHRG. DENIED. (S-PD-I) *NOTICE/ IMAGE.
		-	RESCRIPT TO TRIAL CT.
	06/10/96	-	COPY OF APPT'S FAR.
	07/09/96	-	FAR DENIED

Type/Nbr	Assoc'd	Tpe/Nbr	Assoc'd	Counsel

APPENDIX D

APP. 5

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

95-P-1288

JOHN J. O'BRIEN

vs.

FRED DAVIS

MEMORANDUM AND ORDER PURSUANT TO RULE 1:28

Where the defendant claimed that the trial judge's findings and conclusion were not supp-orted by the evidence pursuant to Mass.R.A.P 8 (b), the defendant's appeal was property dismissed by a Superior Court Judge for failure of the defendant to furnish to the trial court a trial court a transcript of the defendant's jury waived trial. See Russell v.McCwen-Hanelt, 413 106 (1992), cert. denied, 113Ct. 973 (1993). The fact that the defendant appears pro se does not excuse his noncompliance with appellate rules. Pandex v. Roulston, 419 Mass. 1010, 1011 (1995).

The plaintiff-appellee's motion for sanctions is denied.

Order dismissing appeal affirmed.
By the Court(Smith, Porada, &
Ireland, JJ.),

"s/ Ashley Ahern, Asst. Clerk

Entered: May 1, 1996